

Congress of the United States
Washington, DC 20515

November 1st, 2019

President Donald J. Trump
The White House
1600 Pennsylvania Ave N.W.
Washington, D.C. 20500

Re: Vacate finding of guilt Request; Sgt. Derrick Miller

Dear President Trump,

As President of the United States, you have undertaken considerable bipartisan efforts to improve the justice system, reduce recidivism, and give deserving former offenders a second chance at life. You previously considered issuing pardons for several soldiers who were unfairly convicted of crimes under the Uniform Code of Military Justice. We commend your decision to review these cases and respectfully request that you not only review the injustice to Sgt. Derrick Miller, but that you end the ongoing injustice by setting aside the findings of the court-martial and dismissing the charge.

Normally, convicted individuals wrongfully convicted will seek a pardon. However, a pardon merely says, in essence, you are forgiven for your wrongdoing. When someone is wrongfully prosecuted and convicted, being forgiven for a crime that was not committed is an inadequate remedy. That person is still and will always be a convicted felon. That is a wonderful action for most, but it does not correct an injustice for someone who did not commit a crime in the first place.

Sgt. Miller was a U.S. Army National Guardsman, who in 2010, was sent to Afghanistan on his third combat tour. While in combat against the Taliban, Sgt. Miller, using an Afghan translator, questioned a suspected Taliban scout who was caught spying on the encampment of Sgt. Miller's unit. During the questioning, the Taliban scout grabbed for Sgt. Miller's pistol. A struggle ensued, during which the Taliban scout was struck and killed by a round from the pistol which the Taliban member was trying to take.

The Afghan translator described for others exactly what happened. He had a strong desire to get a visa that would allow him to come to the U.S. He had previously even applied for a visa to the United States a couple of times which were denied. There was no forensic evidence gathered at the time, nor were the hands of the Taliban member tested for residue from the gun. There was simply no forensic evidence to support a conviction. Likewise, by investigators' failure to gather evidence such as the deceased's fingerprints on the gun, Sgt. Miller had no palpable evidence with which to defend himself.

In fact, investigators promised the translator that if he changed his story to say that the Afghan had NOT grabbed Sgt. Miller's gun, they could get him and his whole family visas to come live in the United States. The translator had no problem changing his story to be the sole basis for convicting Sgt. Miller, just so he and his family could finally come live in the United States. As a result, Sgt. Miller was convicted of premeditated murder and given the mandatory life sentence.

It is important to note that previously when Sgt. Miller's unit had been hit by a mortar attack, it was preceded by someone walking through the U.S. encampment who the troops discerned after the attack was apparently a Taliban scout. In this particular case, because of Sgt. Miller realizing he had seen the scout with Taliban the day before, his unit suspected they were about to be attacked, took immediate actions to be ready for the attack, which came about thirty minutes later.

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The forthcoming mortar attack was verification, as his superior sergeant told the parole board in the past year, that the deceased Afghan had indeed been scouting for the enemy. But because of Sgt. Miller's actions, the unit had immediately prepared for the attack, which prevented any of Sgt. Miller's fellow soldiers from being killed. If not for Sgt. Miller's actions, his unit would have not realized an attack was coming and Americans would have surely been killed yet again.

In April 2018, the Army Clemency and Parole Board (ACPB) held a hearing to consider Sgt. Miller's "premeditation" finding and inappropriate mandatory life sentence. The Board found the "premeditation" finding was unjustified even with the translator's self-serving testimony. As a result, Sgt. Miller's sentence was reduced from life to 20 years. About a year later, the ACPB held a parole hearing and granted Sgt. Miller parole. In May 2019, he was released from Leavenworth after eight years in prison.

Since his release, Sgt. Miller has returned to Maryland to reunite with his two daughters, ages 13 and 10, for whom he shares custody. Sgt. Miller now works for Congressman Louie Gohmert as Military Advisor and is now serving as a shared employee to advise the Congressional Justice for Warriors Caucus. He is an absolutely outstanding American with an extraordinary attitude, who still loves his country and still wants to serve helping others.

While we are grateful that the ACPB recommended that Sgt. Miller be released on parole, we urge you to consider setting aside the findings of the court-martial and dismissing the charge. This would place Sgt. Miller in the position in which he would have been if he had never been wrongfully convicted. He earned his stripes, he saved American soldiers' lives, and he deserves to have the grave injustice set aside.

Respectfully submitted,

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Rep. Louie Gohmert
Member of Congress



Rep. Duncan Hunter
Member of Congress

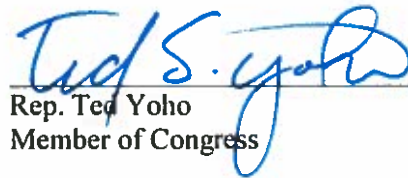


Rep. Bill Flores
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Rep. Paul A. Gosar, D.D.S.
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